

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Cancelled)
2. (Currently Amended) ~~The apparatus of claim 1~~ A fluid control apparatus comprising:
 - a) a fluid conveyance; and
 - b) a valve positioned in the conveyance, wherein the valve includes a flexible portion secured to receive fluid from an upper containment including a preset fluid level to cause the valve to restrict the flow of fluid through the conveyance, wherein the preset fluid level is determined from the liquid height of a fluid storage point upstream from the valve in the conveyance, wherein said storage point provides fluid to the conveyance, and wherein the valve includes at least one upper opening to receive fluid from the containment above the flexible portion.
3. (Original) The apparatus of claim 2 wherein the flexible portion is a bladder and the valve includes one more orifices in an upper plate secured to the top of the bladder.
4. (Original) The apparatus of claim 3 further comprising a float-operated valve that automatically maintains a preset fluid level in the containment.
5. (Original) The apparatus of claim 2 further comprising a float-operated valve that automatically maintains a preset fluid level in the containment.

6. (Original) The apparatus of claim 5 wherein the preset fluid level is determined from the liquid height of a fluid storage point upstream from the valve in the conveyance and wherein said storage point provides fluid to the conveyance.
7. (Original) The apparatus of claim 6 further comprising a fixed orifice between the flexible portion and the conveyance, wherein the orifice permits a constant volume of water to flow through the conveyance when the valve is expanded.
8. (Original) The apparatus of claim 3 further comprising a fixed orifice between the bladder and the conveyance, wherein the orifice permits a constant volume of fluid to flow through the conveyance when the valve is expanded.
9. (Original) The apparatus of claim 8 wherein the fixed orifice is a vortexing orifice.
10. (Original) The apparatus of claim 2 wherein the valve includes material selected from the group consisting of chlorosulfonated polyethylene, polyvinyl chloride, rubber, polypropylene, polyethylene, vinyl, neoprene, polyurethane and woven and non-woven fabrics.
11. (Currently Amended) The apparatus of claim ~~[[1]]~~ 2 further comprising a fixed orifice between the valve and the conveyance, wherein the orifice permits a constant volume of water to flow through the conveyance when the valve is expanded.
12. (Cancelled)
13. (Currently Amended) The apparatus of claim ~~[[12]]~~ 14 wherein the fluid conveyance is a water conveyance.
14. (Currently Amended) ~~The apparatus of claim 12~~ A fluid control apparatus comprising a flexible membrane positioned in a fluid conveyance:

- a) wherein flow of fluid outside the membrane and through the conveyance is controlled by top to down hydrostatic pressure of a fluid within the membrane;
and
- b) wherein the fluid within the membrane is provided from an upper containment into an opening at the top of the membrane.
15. (Original) The apparatus of claim 14 wherein the opening includes one ore more orifices into the membrane.
16. (Original) The apparatus of claim 15 further comprising an upper plate attached to the top of the membrane and wherein the one or more orifices are located in the plate.
17. (Original) The apparatus of claim 16 wherein the containment is a concrete or pipe containment.
18. (Original) The apparatus of claim ~~[[12]]~~14 further comprising:
- a) a fluid containment above the membrane for providing the fluid within the membrane; and
- b) a float-operated valve within the containment for automatically maintaining fluid within the containment at a preset depth.
19. (Original) The apparatus of claim 15 further comprising:
- a) a fluid containment above the membrane for providing the fluid within the membrane; and
- b) a float-operated valve within the containment for automatically maintaining fluid within the containment at a preset depth.
20. (Original) The apparatus of claim 19 further comprising a fixed orifice between the membrane and the conveyance that provides a constant drain of a volume of fluid through the conveyance.

21. (Currently Amended) The apparatus of claim ~~[[12]]~~ 14 further comprising a fixed orifice between the membrane and the conveyance that provides a constant drain of a volume of fluid through the conveyance.
22. (Original) The apparatus of claim 14 wherein the upper containment includes an overflow for fluid provided to the membrane to exit the containment at the fluid level of the overflow.
23. thru 25 (Cancelled)
26. (Currently Amended) ~~A fluid control~~ The apparatus of claim 14 further comprising a valve with a flexible portion, wherein the valve is positioned in a fluid conveyance so that the flow of fluid through the conveyance is controlled by the top to down hydrostatic pressure of a fluid against the flexible portion of the valve.
27. (Original) The fluid apparatus of claim 26 wherein the flexible portion of the valve is positioned for expansion in the conveyance to control the flow of fluid with the flexible portion of the valve.
28. (Original) The fluid apparatus of claim 26 wherein the valve includes a rigid portion connected to the flexible portion for actuation by expansion of the flexible portion so that the rigid portion controls the flow of fluid through the conveyance.